

REMARKS

Claims 1-20 are presently pending in this application. Claims 1-4 and 12-14 have been amended to more particularly define the claimed invention. Claims 15-20 have been added to claim additional features of the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

The Information Disclosure Statements have not been considered by the Examiner. Applicant respectfully traverses the Examiner's failure to consider the Information Disclosure Statement, and respectfully requests the Examiner to consider the references cited in the Information Disclosure Statement. The Information Disclosure Statements included a concise explanation of relevance and Applicant directs the Examiner to pages 2 and 3 of the Application for this concise explanation. The Examiner is also referred to M.P.E.P. § 609. Attached hereto is another copy of the PTO-1449 Forms for the Examiner to initial.

The Abstract is objected to due to informalities, and Applicant has amended the Abstract to be fully responsive to all points raised by the Examiner.

Claim 3 is objected to due to informalities and Applicant has amended the claim to be fully responsive to all points raised by the Examiner.

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Summerell et al., U.S. Pat. No. 5,937,387.

This rejection is respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a health care system including, a user terminal, a network, a health care center terminal connected via the network to the user terminal and that is accessible from the user terminal, and an analytic server that analyzes health information supplied from the user terminal, the analytic server being connected to the health care center terminal. The health care center terminal includes a diagnostic form display function that displays on the user terminal a diagnostic form, in which a user can enter predetermined health information, and also including a health information reception function that receives the health information entered in the diagnostic form, and a health information transmission function that transmits the received health information to the analytic server. The analytic server includes a health information database associated with the entered health information, and a health analysis function that receives the health information transmitted from the user terminal, and analyzes the user's health on the basis of the received health information and the health information database. The analytic server further includes an analyzed information transmission function that transmits via the health care center terminal to the user terminal the information analyzed by the health analysis function.

Conventionally, health care systems use personal home computers, and it is necessary to install in the home computer a database of health information and a program for outputting advice based on the database and the health data entered into the computer. The user must buy software, the health care system is time-consuming and costly, and it is also necessary to

update the database of health information every day so that the computer can output up-to-date advice to provide the user, and to upgrade the software, both requiring time and cost.

(Application at page 2, line 18 to page 3, line 16.)

The claimed invention (e.g., as recited in claims 1 and 13-14), on the other hand, includes an analytic server for analyzing health information supplied from the user terminal, the analytic server being connected to the health care center terminal, a health information transmission function that transmits the received health information to the analytic server, and the analytic server further includes an analyzed information transmission function that transmits via the health care center terminal to the user terminal the information analyzed by the health analysis function. This feature is important to improve the performance of analyzing received health information by passing the information to a separate high-performance analytic computer. (Application at page 10, lines 8-10.)

II. THE ALLEGED PRIOR ART REJECTION

35 U.S.C. § 102(b) Rejection over Summerell et al., U.S. Pat. No. 5,937,387

The Examiner alleges that Summerell et al., U.S. Pat. No. 5,937,387, (Summerell), teaches the invention of claims 1-14.

With respect to Applicant's independent claim 1, Applicant submits, however, that Summerell does not teach or suggest:

“an analytic server being connected to the health care center terminal,”

“the health care center terminal further including a health information transmission function that transmits the received health information to the analytic server,” and

“the analytic server further including an analyzed information transmission function”

that transmits via the health care center terminal to the user terminal the information analyzed by the health analysis function.”

The Examiner alleges that Applicant’s *health care center terminal* is equivalent to Summerell’s “server computer system” referenced in column 7, line 48 to column 8 line 7. Furthermore, the Examiner alleges that Applicant’s analytic server is equivalent Summerell’s “wellness options systems” as referenced in column 5, lines 60-67.

However, nowhere in Summerell is there any specific teaching or suggestion of these two elements (*the health care center terminal*/server computer system and the *analytic server*/wellness options system) interact in the manner described in Applicant’s claim language.

The only four (4) occurrences of Summerell’s “server computer system” are identified in a single paragraph below:

The system of the present invention includes a data processing means such as a client computer system that communicates with a server computer system. The client computer system can be of any type using any type of operating system. In a preferred embodiment, the client computer system is an IBM or IBM compatible type computer using an Intel 80-series or Pentium chip, and running an operating system such as Microsoft Windows. Also in this preferred embodiment, the server computer system uses an operating system such as Microsoft Windows NT. An alternative embodiment is a client computer system based on an Intel 80-series Pentium or Pentium Pro microprocessor, running Microsoft Windows 95, and a server computer system based on an Intel Pentium or Pentium Pro microprocessor, running Windows NT. In a preferred embodiment, the client computer system and server computer system communicate using NetBIOS protocol. (Emphasis added.) (Column 7, lines 48-64.)

Nowhere in Summerell does it teach or suggest that the “server computer system”:
is connected to an analytic server (Summerell’s wellness options systems);
transmits received health information to the analytic server; and
receives information analyzed by the health analysis function of the analytic server to

be transmitted to the user terminal.

With respect to Applicant's independent claims 13 and 14, for the reasons stated above with respect to Applicant's independent claim 1, Summerell fails to teach or suggest:

"transmitting the received health information to an analytic server connected to the health care center terminal, the analytic server including a health information database associated with the entered health information," and

"transmitting via the health care center terminal to the user terminal the information analyzed by the analytic server in the analyzing the user's health."

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,

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